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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 4638 of 2007

PETITIONER		Dilip Singh Bisen, aged about 61 years, son of Late Shri Khuman Singh Bisen, resident of – Mata Dewala Ward, Bhatapara, Distt. Raipur (C.G.)
		Versus
RESPONDENTS	1	State of Chhattisgarh Through it's Secretary, Department of School Education, Mantralay, Raipur (C.G.)
	2	The Collector, Distt. Raipur (C.G.)
	3	The District Education Officer, Distt. Raipur (C.G.)
	4	The Block Education Officer, Bhatapara, Distt. Raipur (C.G.)

Appearance:

Shri Prakash Mishra, counsel for the petitioner.

Shri Yashwant Singh, Govt. Advocate for the State on Advance copy.

ORAL ORDER
(13.08.2007)

SUNIL KUMAR SINHA, J.

Heard finally with the consent of the parties.

The petitioner, who is working as an Asstt. Teacher in New Hindi Primary School, Bhatapara- A, has challenged the validity of transfer order dated 22.7.2007 (Annexure-P/1), where by he has been transferred from New Hindi Primary School, Bhatapara- A to Primary School Chadiya, Block Tilda, Distt. Raipur on administrative grounds.

Referring to the photocopy of the relevant page of the service book, learned counsel for the petitioner argues that the date of birth of the petitioner is 17.2.1946, according to which, the petitioner is going to retire in the month of February, 2008. His contention is that according to Clause 7 of the transfer policy dated 13th June, 2007, if a person is to retire within a period of one year, his case shall be governed by the said clause of the policy. He refers to policy (Annexure-P/2). Clause 7 of the policy reads as under:

> "7 जिन शासकीय सेवकों की सेवानिवृत्ति के लिए 1 वर्ष का समय शेष रह गया हो, उन्हें गृह जिले में अथवा उनके विकल्प के जिले में पदस्थ किया जा

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सकेगा, यदि सामान्य पुस्तक परिपत्र के अनुसार यह अनुज्ञेय हो ।"

Having heard learned counsel for the petitioner, having gone through the contents of the writ petition and the content of clause 7 of the policy, in the opinion of this Court, the ends of justice would be served, if the petitioner is directed to file a representation before the concerned authority invoking the provisions of clause 7 of the policy framed in Annexure-P/2 and the said authority is directed to dispose of the same within the stipulated time granted by this Court.

Accordingly, this petition is disposed of with a direction that if so advised, the petitioner may file a detailed representation before the concerned authority within a period of 3 weeks from today along with copy of this order and the copy of writ petition, raising his grievance, and if such a representation is filed, the concerned authority shall dispose of the same as early as possible preferably within a period of 2 months from the date of receipt of the said representation. It is further directed that in the meanwhile, the petitioner shall not be relieved from his present place of posting (Bhatapara) and shall be allowed to continue there.

The petition stands finally disposed of.

Sd/-
Sunil Kumar Sinha
Judge